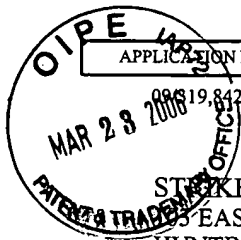




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APPLICATION NO.

FILING DATE

FIRST NAMED INVENTOR

ATTORNEY DOCKET NO.

CONFIRMATION NO.

09/19,842

08/09/1999

KLAUS-JUERGEN WESTERMANN

686

3637

7590

07/10/2003

STRIKER STRIKER & STENBY  
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*October 10, 2003*

EXAMINER

GARCIA, ERNESTO

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/319,842

Applicant(s)

WESTERMANN ET AL.

Examiner

Ernesto Garcia

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 05 June 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "72, 74" has been used to designate both legs of a wiper rod with a larger thickness (Fig. 6) and legs of a wiper rod with a smaller thickness (Fig. 7). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "lateral struts that extend in a longitudinal direction (38)", "detent means for holding the bearing element (30) by the hook-shaped end" (claim 1), and "starting from the additional lateral strut (70)" (claim 7).

A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because the hole puncher cut-off words or parts of a word in line 1 of almost every page as line 1 is too close to the top edge of the papers.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

### ***Claim Objections***

Claims 1-3 are objected to because of the following informalities:

regarding claim 1, in the marked-up copy of claim 1, the limitation "its" in line 3 should be --a--, the limitation "contracting" in line 5 should be --contacting--, the limitation "way of" in line 7 should be deleted, the first occurrence of "the" in line 10 should be --a--, the limitation "wherein the wiper rods" in line 11 should be --whereby a smaller wiper rod or a larger wiper rod each--, the limitation "are" should revert to --is--, the limitation --the element (30)-- should be inserted after "turning" in line 12, the limitation ", and" in line 13 should be a semicolon, a comma should be inserted after (32,34), the limitation "the" before "legs" in line 13 should be deleted, the limitation "a" before "smaller" in line 14 should be --the--, a comma should be inserted after "(36) in

Art Unit: 3679

line 15, the limitation "smaller" in line 15 should be --small--, the limitation "the" in line 16 should be deleted, the limitation "a" before "wiper rod" in line 16 should be --the larger--, and the limitation "greater" in line 17 should be --large--; furthermore,

regarding claim 1, shouldn't the claim recite the lateral struts extend perpendicular to the longitudinal direction

regarding claim 2, the reference character "(40)" should be deleted as the smaller and larger clearances do not have a reference character in claim 1;

regarding claim 3, the limitation "a" in line 2 should be --the--, --smaller-- should be inserted before "wiper" in line 3, the comma after "(18)" in line 3 should be deleted, the limitation --of the lateral struts-- should be inserted after "(60)" in line 4, and the limitation "that corresponds to the small material thickness (52) in line 5 should be deleted;

regarding claim 4, the first clause is incomplete, what is on the contour remote from the hub?, --of the lateral struts-- should be inserted after "strut" in line 2, the first occurrence of "a" in line 3 should be --the--, the second occurrence of "a" in line 3 should be "the larger", --of the lateral struts-- should be inserted after "strut" in line 4, "that corresponds to the large material thickness (54) in line 5 should be deleted; and,

regarding claim 6, isn't the lateral strut (70) already included in claim 1?, and the limitation "a" in line 3 should be --the--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by the European patent 655, 373 (see attachment).

Regarding claim 1, the European patent '373 discloses in Figure 1 a bearing element **10** comprising a hub **32**, two side walls **14, 16**, contact faces **36, 56**, detent means **48** for holding the bearing element **10**, and lateral struts **44, 54**. The hub **32** is open over part of a circumference. The hub **32** connects the two side walls **14, 16**. The lateral struts **44, 54** extend in a longitudinal direction **A100** on both sides **A101** of the hub. The side walls **14, 16** have a smaller clearance **A1** and a larger clearance **A2**. Applicant is reminded that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Regarding claim 2, the European patent discloses one of the clearances **A1, A2** of the sidewalls **14, 16** is reduced on one end **E** by beads **24**.

Regarding claim 3, an outer contour of the hub **32** has a contact face **36**. A first lateral strut **54** of the lateral struts **44, 54** is disposed at a distance **D** from the hub **32**.

Regarding claim 4, a first lateral strut **54** has a contact face **56**. Figure 1 shows a second lateral strut **44** of the lateral struts **44, 54** is disposed at a distance from the first lateral strut **54**.

Regarding claim 5, the second lateral strut **44** has a flattened contact face **F** that is oriented towards the hub **32** (Fig. 1).

Regarding claim 6, the European patent '373 discloses an additional lateral strut **58** disposed at ends **E** of the side walls **12, 14**.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 7, the prior art of record does not disclose or suggest a bearing element including at least one detent projection of detent means for holding the bearing element, disposed on the side walls starting from the additional lateral strut; the European patent 655,373 teaches a projection of the detent means disposed on the side walls starting from the second lateral strut **44** instead; and,

regarding claim 8, this claim depends from claim 7.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 703-308-8606. The examiner can normally be reached from 8:30-5:00.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

**Lynne H. Browne**  
**Supervisory Patent Examiner**  
**Technology Center 3600**

E.G.

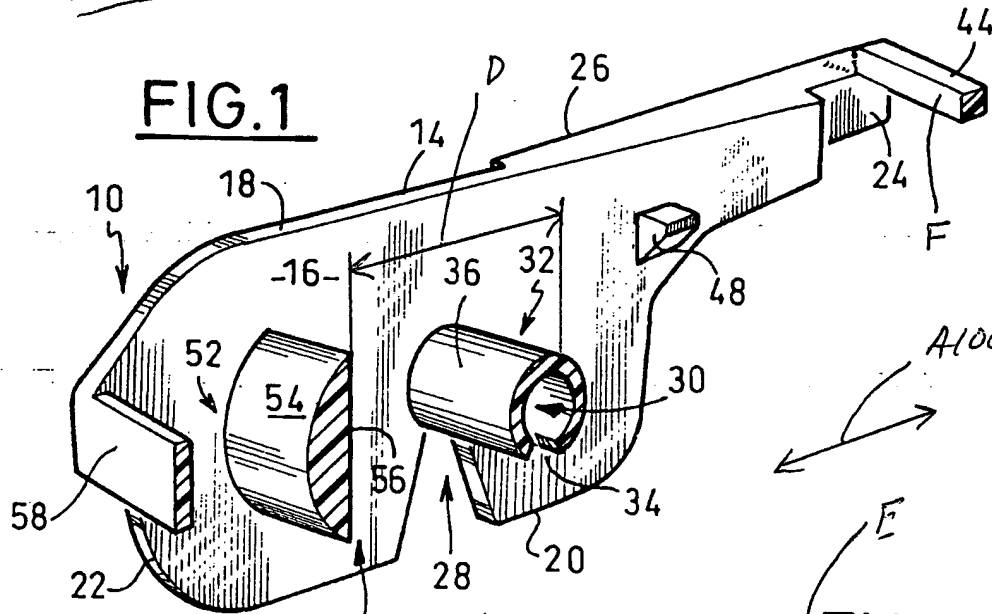
July 1, 2003

Attachment: one marked-up copy of European patent, EP-655,373.

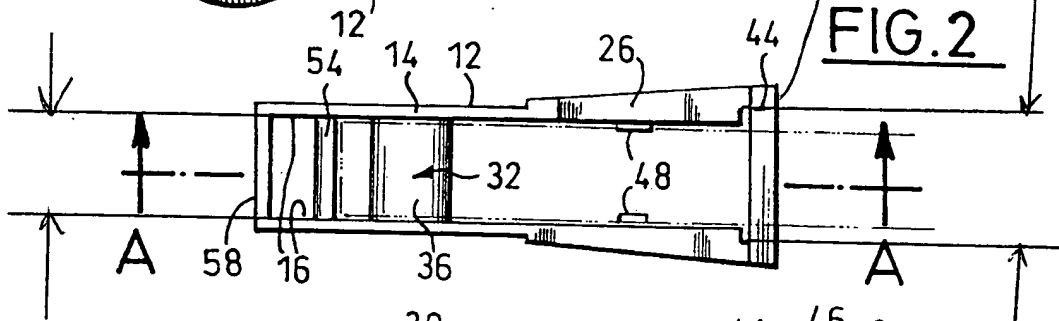
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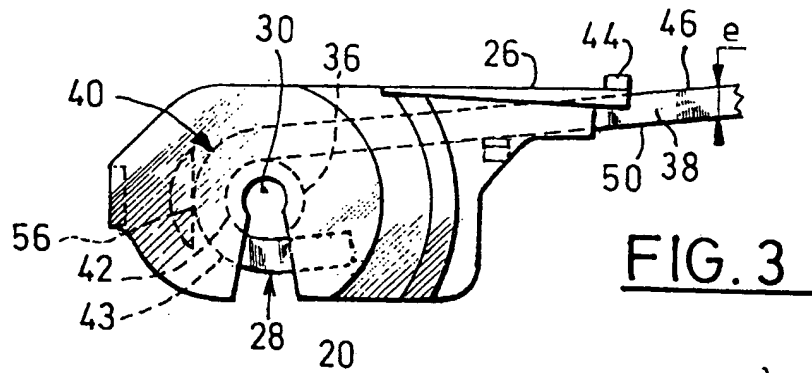
**FIG.1**



**FIG.2**



**FIG.3**



**FIG.4**

